

Congress of the United States
Washington, DC 20515

July 23, 2009

The Honorable Janet Napolitano
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Napolitano:

We write to you today with concern regarding mounting environmental and societal impacts related to border security infrastructure and operations. As you conduct your evaluation of border security initiatives, we encourage you to consider the importance of monitoring, mitigation, and environmental training for border security personnel in order to quantify, compensate for and avoid the negative consequences of border security infrastructure and operations. We ask that the Department of Homeland Security (DHS) cooperate with other applicable agencies to create and fund a robust border-wide environmental monitoring program and to provide sufficient mitigation funding for damage caused by border security infrastructure and enforcement activities.

As you are aware, hundreds of miles of new border fences and patrol roads have been constructed by DHS along the US/Mexico border in the past several years. This massive federal project has had deleterious consequences upon natural and cultural public resources, and has caused hardship for private land owners, whose lands have been condemned and livelihoods have been disrupted. Considerable annual maintenance operations will be required for border fencing. The Congressional Budget Office estimates annual maintenance costs will amount to 15% of initial construction costs, which are averaging \$3 Million per mile. In addition, with DHS adding significantly more Border Patrol personnel, it is becoming increasingly important that impacts related to off-road vehicles, low-level flights and other interdiction activities be quantified and mitigated for, and that DHS provide training for its personnel in techniques to minimize damage to sensitive resources during enforcement activities.

We understand that in 2008 DHS allocated up to \$50 Million to the Department of the Interior (DOI) for border fence mitigation. It is our understanding this money will be utilized primarily for off-site mitigation targeted to benefit threatened and endangered species that have been negatively impacted by new border security infrastructure projects. We believe this first round of mitigation for threatened and endangered species, along with the memorandum of agreement signed between DHS and DOI, demonstrate a positive commitment to mitigating negative impacts. However, there are numerous impacts across the border caused by both security infrastructure *and* operations that will require significantly more resources to properly monitor and mitigate.

For example, the National Park Service issued a report in August, 2008 confirming that border fencing astride the Lukeville Port of Entry has exacerbated seasonal flooding and has caused accelerated scouring and erosion on the Organ Pipe Cactus National Monument – threatening to

permanently alter the hydrology of the area if modifications are not made to rectify the inadequate design. A similar problem was identified at the DeConcini Port of Entry, where tunnel barrier and fence-exacerbated flooding caused extensive property and infrastructure damage in Nogales, Mexico. There are also serious concerns related to border infrastructure construction-induced siltation and resulting degradation of sensitive habitats of the Tijuana River Estuary and the San Pedro River located in southern California and Arizona, respectively. In south Texas, private land owners and agricultural interests have significant tracts of land that have been or will be isolated to the south of border fencing. Yet, DHS has only offered compensation for the exact footprint of the infrastructure – failing to recognize or compensate for fiscal losses of property value and accessibility caused by the construction of border fencing.

To date, there has been a lack of scientifically-based monitoring to quantify the environmental impacts of border security infrastructure and operations. Information from monitoring will provide objective data on impacts, so that efforts to avoid impacts and mitigate for unavoidable impacts can be targeted appropriately. It is our understanding that such a pilot program has been proposed and is to be led by the United States Geological Survey (USGS). We understand the initiation of this program is pending a memorandum of agreement between DHS and DOI. We are concerned that this monitoring program, currently in a conceptual stage, is not being implemented fast enough; ongoing acute and cumulative impacts continue to go unmonitored. We urge you to ensure that DHS is an active partner in establishing this program and in utilizing the information derived from it to inform a robust, multi-year border mitigation fund.

We appreciate your consideration of this request.

Sincerely,

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CC: The Honorable Ken Salazar
Secretary of the Department of the Interior

The Honorable Nancy Sutley
Chairman, Council on Environmental Quality